

United States District Court

NORTHERN DISTRICT OF CALIFORNIA

NIC Insurance Company, a New York Corporation

E-Filing

SUMMONS IN A CIVIL CASE

CASE NUMBER:

V.

Appian Construction Co., Inc., a California Corporation; 1221 Monticello, L.P., a California Limited Partnership; and Does 1-50, inclusive.

C 07

5988

TO: (Name and address of defendant)

EMC

SEE ABOVE-NAMED DEFENDANTS

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Brandt L. Wolkin, Esq.
WOLKIN CURRAN, LLP
555 Montgomery Street, Suite 1100
San Francisco, CA 94111
telephone: 415/982-9390
facsimile: 415/982-4328

an answer to the complaint which is herewith served upon you, within ²⁰ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking

CLERK

NOV 27 2007

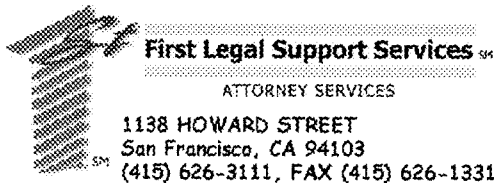
DATE _____

(BY) DEPUTY CLERK

MARY ANN BUCKLEY

Attorney or Party without Attorney: BRANDT L. WOLKIN, ESQ., Bar #112220 WOLKIN CURRAN, LLP 555 MONTGOMERY ST., SUITE 1100 SAN FRANCISCO, CA 94111 Telephone No: 415 982-9390			For Court Use Only		
Attorney for: Plaintiff			Ref. No. or File No.: NIC INSURANCE		
Insert name of Court, and Judicial District and Branch Court: United States District Court Northern District Of California					
Plaintiff: NIC INSURANCE COMPANY Defendant: APPIAN CONSTRUCTION CO., INC., et al.					
PROOF OF SERVICE SUMMONS & COMPLAINT		Hearing Date:	Time:	Dept/Div:	Case Number: C 07-05988 EMC

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the Summons In A Civil Case Civil Cover Sheet; Complaint For Declaratory Relief; Contribution; Reimbursement; Notice Of Assignment Of Case To A United States Magistrate Judge For Trial; Contents To Proceed Before A United States Magistrate Judge; Declination To Proceed Before A Magistrate Judge And Request For Reassignment To A United States District Judge; Ecf Registration Information Handout; Order Setting Initial Case Management Conference And Adr Deadlines; Standing Order For Civil Practice In Cases Assigned For All Purposes To Magistrate Judge Edward M. Chen; Contents Of Joint Case Management Statement; Drop Box Filing Procedures; Welcome To The U.S. District Court.
3. a. Party served: 1221 MONTICELLO, L.P.
4. Address where the party was served: 1485 ENEA COURT
SUITE 1490
CONCORD, CA 94520
5. I served the party:
 - b. by substituted service. On: Thu., Nov. 29, 2007 at: 2:50PM by leaving the copies with or in the presence of:
JUDY EWING, OFFICE MANAGER
 - (1) **(Business)** a Person in charge at least 18 years of age apparently in charge of the office or usual place of business of the person served. I informed him or her of the general nature of the papers.
 - (4) A declaration of mailing is attached.
 - (5) I attach a declaration of diligence stating actions taken first to attempt personal service.
6. The "Notice to the Person Served" (on the Summons) was completed as follows:
on behalf of: 1221 MONTICELLO, L.P.
Other: A CALIFORNIA LIMITED PARTNERSHIP
7. Person Who Served Papers:
 - a. RAIMUNDO CARVALHO
 - d. **The Fee for Service was:** Recoverable Cost Per CCP 1033.5(a)(4)(B)
 - e. I am: (3) registered California process server
 - (i) Employee
 - (ii) Registration No.: 2005-0000968-00
 - (iii) County: San Francisco



8. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

Date: Tue, Dec. 04, 2007

Attorney or Party without Attorney: BRANDT L. WOLKIN, ESQ., Bar #112220 WOLKIN CURRAN, LLP 555 MONTGOMERY ST., SUITE 1100 SAN FRANCISCO, CA 94111 Telephone No: 415 982-9390 FAX No:				For Court Use Only
Attorney for: Plaintiff			Ref. No or File No.: NIC INSURANCE	
Insert name of Court, and Judicial District and Branch Court: United States District Court Northern District Of California				
Plaintiff: NIC INSURANCE COMPANY Defendant: APIAN CONSTRUCTION CO., INC., et al.				
PROOF OF SERVICE By Mail	Hearing Date:	Time:	Dept/Div:	Case Number: C 07-05988 EMC

- I am over the age of 18 and not a party to this action. I am employed in the county where the mailing occurred.
- I served copies of the Summons In A Civil Case Civil Cover Sheet; Complaint For Declaratory Relief; Contribution; Reimbursement; Notice Of Assignment Of Case To A United States Magistrate Judge For Trial; Contents To Proceed Before A United States Magistrate Judge; Declination To Proceed Before A Magistrate Judge And Request For Reassignment To A United States District Judge; Ecf Registration Information Handout; Order Setting Initial Case Management Conference And Adr Deadlines; Standing Order For Civil Practice In Cases Assigned For All Purposes To Magistrate Judge Edward M. Chen; Contents Of Joint Case Management Statement; Drop Box Filing Procedures; Welcome To The U.S. District Court.
- By placing a true copy of each document in the United States mail, in a sealed envelope by **First Class** mail with postage prepaid as follows:
 - Date of Mailing: Thu., Nov. 29, 2007
 - Place of Mailing: SAN FRANCISCO, CA 94103
 - Addressed as follows: 1221 MONTICELLO, L.P.
1485 ENEA COURT
SUITE 1490
CONCORD, CA 94520
- I am readily familiar with the business practice for collection and processing of correspondence as deposited with the U.S. Postal Service on Thu., Nov. 29, 2007 in the ordinary course of business.
- Person Serving:
 - AARON DANIEL
 - FIRST LEGAL SUPPORT SERVICES
1138 HOWARD STREET
SAN FRANCISCO, CA 94103
 - 415-626-3111

Recoverable Cost Per CCP 1033.5(a)(4)(B)

- The Fee for Service** was:
- I am: Not a Registered California Process Server

8. I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.

Date: Tue, Dec. 04, 2007

